

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

APR 28 2015

JAMES W. McCORMACK, CLERK
By: *James W. McCormack*
DAP CLERK

LARRY GRIFFIN,

PLAINTIFF, CROSS COMPLAINANT

VS.

PILOT TRAVEL CENTERS, LLC,

DEFENDANT

and

NO. 3:15-cv-00115-KGB/JTR

CINTAS CORPORATE SERVICES, INC.;
AND CINTAS CORPORATION #2 d/b/a
CINTAS CORPORATION,

CROSS-DEFENDANTS

PILOT TRAVEL CENTERS, LLC,

THIRD-PARTY PLAINTIFF

VS.

CINTAS CORPORATE SERVICES, INC.;
AND CINTAS CORPORATION #2 D/B/A
CINTAS CORPORATION,

This case assigned to District Judge BAKER
and to Magistrate Judge RAY

THIRD-PARTY DEFENDANTS.

NOTICE OF REMOVAL

The Cross Defendants, Cintas Corporate Services, Inc. and Cintas Corporation #2 d/b/a Cintas Corporation, for their removal of this action pursuant to 28 U.S.C. § 1441, et seq., state:

1. On or about April 6, 2015, Plaintiff Larry Griffin (“Griffin”) commenced a Cross Complaint civil action against Cross Defendants Cintas Corporate Services, Inc. and Cintas Corporation #2 d/b/a Cintas Corporation (“Cintas Defendants”) in the Circuit Court of Crittenden County, Arkansas, Civil Division, styled *Larry Griffin vs. Cintas Corporate Services, Inc. and Cintas Corporation #2 d/b/a Cintas Corporation*, Case No. CV-2014-270. The commencement of the Civil Action is the result of the Crittenden County Circuit Court’s entry of an Order Granting Motion for Leave to File Cross Complaint entered on March 30, 2015.

2. Pursuant to an agreement between counsel for Cintas and Griffin, the Cintas Defendants agreed to accept electronic service of the Cross Complaint on April 9, 2015. The Cintas Defendants attach a scan of the Cross Complaint received by the Cintas Defendants (Exhibit 1) and a scan of the corresponding Summons (Exhibit 2.)

3. The pleadings and process which are referred to in the preceding paragraphs constitute the only process, pleadings, orders, or other filings in the Crittenden County Circuit Court action concerning the Cross Complaint.

4. As the Cross Complaint indicates, Cross Complainant Larry Griffin is a resident and citizen of the State of Tennessee.

5. As the Cross Complaint indicates, Griffin alleges the negligence of Cintas related to Griffin’s fall as he traversed a floor mat while a customer at a Pilot Travel Center.

6. The Cross Defendants, Cintas Corporate Services, Inc. and Cintas Corporation #2 d/b/a Cintas Corporation is/are incorporated in the State of Ohio with its principal place of business in Cincinnati, Ohio but are registered to do business in the State of Arkansas.

Therefore, the principal place of business for the Cintas Defendants is a state other than Tennessee, the residence of Plaintiff Griffin.

7. Complete diversity of citizenship exists between Cross Complainant Griffin and the Cintas Cross Defendants. The amount in controversy is in excess of the federal jurisdiction limits as expressed in Paragraph 21 ¹ and the Prayer for Relief ² on Page 6 of the Cross Complaint. This Court has removal jurisdiction under 28 U.S.C. § 1441(a).

8. This Notice of Removal is filed within thirty days of the service of the Cross Complaint and Summons upon the Cross Defendants. The action is therefore properly removed pursuant to 28 U.S.C. § 1446.

9. The Cintas Cross Defendants have this date given written notice of the filing of this notice to Cross Complainant Griffin as required by 28 U.S.C. § 1446(d) and to the Circuit Clerk of Crittenden County, Arkansas, as required by 28 U.S.C. § 1446(d).

10. This cause of action also includes a pre-existing original cause of action between Plaintiff Larry Griffin and Defendant Pilot Travel Centers, LLC under the same docket number as the Cross Complaint. As stated, Plaintiff/Cross Claimant Larry Griffin is a resident and citizen of the State of Tennessee. Defendant Pilot Travel Centers, LLC is a foreign limited liability company operating under the laws of the State of Arkansas, with its place of business in West Memphis, Arkansas. Griffin sued Pilot Travel Centers, LLC for personal injuries incurred in the same incident alleged in the Cross Complaint against the Cintas Defendants. Complete

¹ Plaintiff states he has incurred \$92, 105.14 in medical expenses.

² Plaintiff prayed for a judgment against Cintsa “in an amount greater than that required for federal diversity jurisdiction” including an itemized description of damages sought.

diversity of citizenship exists between Cross Complainant Griffin and the Cintas Cross Defendants. The original Complaint's amount in controversy is in excess of the federal jurisdiction limits as expressed in Paragraph 8³ and the Prayer for Relief⁴ on Page 3 of the original Complaint. In its answer to the original Complaint, Pilot Travel Center did not identify Cintas as a tortfeasor.

11. Under the same docket number as Griffin's Cross Complaint against the Cintas Defendants and Pilot Travel Center's Third Party Complaint against the Cintas Defendants, Defendant Pilot Travel Centers, LLC filed a Third Party Complaint against Cintas; Cintas became a Third Party Defendant. In the Third Party Complaint, Pilot Travel Centers alleges - if the facts in the Plaintiff's Complaint are accepted – that Cintas delivered and placed a floor mat over which Plaintiff claims to have tripped and fallen. Pilot Travel Center states causes of action against Cintas for, among other causes, negligence and various breaches arising from the incident.

12. Diversity of citizenship exists between Third Party Plaintiff Pilot Travel Centers, LLC and Third Party Defendant Cintas.

13. Diversity of citizenship exists among all parties in the Crittenden County Circuit Case – Griffin, Pilot Travel Centers LLC, and Cintas.

14. At the time of service of Pilot Travel Center's Third Party Complaint, Cintas did not remove the cause of action to Federal Court because, even with diversity of citizenship

³ Plaintiff states he has incurred \$92, 105.14 in medical expenses.

⁴ Plaintiff prayed for a judgment against Cintsa "in an amount greater than that required for federal diversity jurisdiction" including an itemized description of damages sought.

existing among all parties, a Third Party Defendant cannot properly remove a case to federal court.

15. The Cintas Defendants attach the following pleadings and process concerning Griffin's original complaint and Pilot Travel Center's Third Party Complaint. Except for a motion to compel discovery between Griffin and Pilot Travel Center, the attached pleadings constitute the only process, pleadings, orders, or other filings in the Crittenden County Circuit Court action concerning the Griffin's original Complaint and Pilot Travel Center's Third Party Complaint. The attached pleadings are Griffin's original Complaint (Exhibit 3), Pilot Travel Center's answer to the Original Complaint (Exhibit 4), Pilot Travel Center's Third Party Complaint (Exhibit 5), and the Cintas Defendants' Answer to the Third Party Complaint (Exhibit 6).

16. Defendant/Third Party Plaintiff Pilot Travel Centers, LLC does not object to this Notice of Removal.

Accordingly, The Cross Defendants, Cintas Corporate Services, Inc. and Cintas Corporation #2 d/b/a Cintas Corporation, request that this action proceed in this Court on the basis of this removal, that the Court assume jurisdiction of this case through resolution, and for such other further relief as authorized at law.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This certifies that a copy of the foregoing has been served upon opposing counsel for all parties or all parties individually as follows, electronically and by U.S. Mail on the 27th day of April, 2015:

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